



Action Agenda

Board of Commissioners
April 1, 2009
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, April 1, 2009, at 3:30 p.m. in the Commissioners' Conference Room, Suite 100, of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice Chairman
Lee Hearn
Robert Horgan
Eric Maxwell

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.

ACCEPTANCE OF AGENDA: COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

OLD BUSINESS:

- A. Informational update from the Retirement Study Committee regarding the defined benefit retirement plan.

PUBLIC SAFETY DIRECTOR ALLEN MCCULLOUGH UPDATED THE BOARD ON THE RETIREMENT STUDY COMMITTEE'S RECOMMENDATION FOR A VENDOR FOR THE DEFINED BENEFIT RETIREMENT PLAN FOR COUNTY EMPLOYEES. HE SAID THE COMMITTEE WAS RECOMMENDING THE ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA DEFINED BENEFIT PROGRAM WHICH IS ADMINISTERED THROUGH GOVERNMENTAL EMPLOYEE BENEFITS CORPORATION (ACCG-GEBCORP). HE SAID THIS ITEM WOULD COME BEFORE THE BOARD ON APRIL 9, 2009 FOR THE BOARD'S CONSIDERATION FOR A VOTE.

NEW BUSINESS:

- B. Discussion of proposed amendments to the Fayette County Subdivision Regulations, including the procedures for approval of Preliminary and Final Plats.

DIRECTOR OF COMMUNITY DEVELOPMENT PETE FRISINA DISCUSSED THE FAYETTE COUNTY SUBDIVISION REGULATIONS, SPECIFICALLY THE PROCEDURES FOR APPROVAL OF FINAL PLATS AND WHETHER THE PLANNING COMMISSION OR THE BOARD OF COMMISSIONERS SHOULD BE PROVIDING FINAL APPROVAL. AFTER DISCUSSION, THE BOARD AGREED THAT THE PLANNING COMMISSION WOULD BE THE BODY DESIGNATED TO APPROVE PRELIMINARY AND FINAL PLATS. MR. FRISINA REMARKED THAT STAFF WOULD REVIEW THE SUBDIVISION REGULATIONS AND DETERMINE ANY NEEDED CHANGES TO CLARIFY THIS. HE SAID HE WOULD BRING ANY PROPOSED AMENDMENTS BACK TO THE BOARD AT THE NEXT WORKSHOP MEETING FOR DISCUSSION AND THEN ADVERTISE FOR A MAY PUBLIC HEARING FOR CONSIDERATION BY THE BOARD.

- C. Consideration of the City of Fayetteville's request to annex 1.00 acre known as 172 North 85 Parkway. This property is located in Land Lot 184 of the 5th District, fronts on North 85 Parkway, and is currently zoned Commercial Highway (C-H).

DIRECTOR OF COMMUNITY DEVELOPMENT PETE FRISINA DISCUSSED THIS REQUEST WITH THE BOARD. AFTER A BRIEF DISCUSSION, IT WAS THE CONSENSUS OF THE BOARD THAT IT WOULD NOT OBJECT TO THE CITY OF FAYETTEVILLE'S ANNEXATION REQUEST.

- D. Consideration of the City of Peachtree City's request to annex 17.819 acres known as the Peachtree East Shopping Center. This property is located in Land Lot 69 of the 7th District, fronts on S.R. 54 West, Broken Bow Drive, and Shiloh Drive, and is currently zoned Community Commercial (C-C).

DIRECTOR OF COMMUNITY DEVELOPMENT PETE FRISINA DISCUSSED THIS REQUEST WITH THE BOARD. AFTER THE BOARD DISCUSSED THIS MATTER, NO VOTE WAS TAKEN.

ADMINISTRATOR'S REPORT:

Level IV Drought Status: County Administrator Jack Krakeel remarked that State Climatologists had determined that the drought was over for Fayette County as well as the State of Georgia. He asked for the Board's consideration to allow staff to send a letter to the Environmental Protection Division requesting a modification to the County's current Level IV drought status that the County has been under for well over a year to a Level II drought status.

IT WAS THE CONSENSUS OF THE BOARD TO ALLOW STAFF TO SEND THIS LETTER TO THE E.P.D.

Graduate Intern for Stormwater Management: County Administrator Jack Krakeel remarked that the Stormwater Water Department had submitted a request for consideration to use a graduate intern to assist with G.I.S. work in the County, specifically in impervious surface delineation. He said the time frame for engaging the intern would be approximately five weeks and cost approximately \$1,411. He said the Department currently did not have any budgeted funds to cover this and he asked for consideration to take these funds out of the County's Contingency Fund for this purpose.

CHAIRMAN SMITH MADE A MOTION TO AUTHORIZE SELECTION OF A GRADUATE INTERN FOR THE STORMWATER MANAGEMENT/G.I.S. DEPARTMENT AT A COST OF APPROXIMATELY \$1,411 WITH SAID AMOUNT COMING OUT OF THE CONTINGENCY FUND. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

Property Owners' Issue on Jenkins Road: County Administrator Jack Krakeel remarked that the Road Department had received a request from property owners along Jenkins Road, including Sandy Creek Baptist Church, for consideration of terminating Jenkins Road between Ellison Road and Sandy Creek Road due to a high volume of high school traffic who continue to use that dirt road as a cut through to Sandy Creek High School.

Chairman Smith suggested that the Sheriff's Office could review this situation to see what might help with the traffic issue and Mr. Krakeel said he would be glad to draft a response letter indicating the Board's direction.

Bank of Georgia Occupational Tax Refund Request: County Administrator Jack Krakeel said he had a tax refund request from the Bank of Georgia to discuss with the Board.

Chairman Smith interjected that he would recuse himself because of a conflict of interest and would now turn the meeting over to Vice Chairman Frady. He said he would not be present for this discussion and exited the meeting at this time.

County Administrator Jack Krakeel briefed the Board on the Bank of Georgia's request for a 2008 occupational tax refund in the amount of \$15,015 as a result of an overpayment.

COMMISSIONER HORGAN MADE A MOTION FOR AUTHORIZATION OF A TAX REFUND IN THE AMOUNT OF \$15,015 TO THE BANK OF GEORGIA. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0. CHAIRMAN SMITH WAS ABSENT FROM THE MEETING.

COMMISSIONER HORGAN MADE A MOTION FOR AUTHORIZATION FOR THE VICE CHAIRMAN HERB FRADY TO SIGN THE CHECK IN THE AMOUNT OF \$15,015 TO THE BANK OF GEORGIA. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 4-0. CHAIRMAN SMITH WAS ABSENT FROM THE MEETING.

Chairman Smith re-entered the meeting at this time.

ATTORNEY'S REPORT:

State Court Issue Regarding Animal Control Functions: County Attorney Scott Bennett briefed the Board on an issue that Judge Sams had brought to his attention regarding citations the County had written in cities for violations of Animal Control Ordinances. He said in 2005 the County had entered into contracts with all of the cities to allow the County's Animal Control Officers to perform animal control functions within the cities. He said some issues had recently been raised on the procedural way the County was doing this. He said Judge Sams had determined that there was a defect in the procedures and the way he was conducting his court. He remarked that as a result, Judge Sams had dismissed all of the pending tickets that were currently within city limits. He said he would be revising all of the contracts with the cities to bring back to the Board on April 9th for consideration.

Change of providers for managing the County's 401A and 457 Retirement Plans: County Attorney Scott Bennett remarked that the Board had made a decision at the last meeting to replace The Hartford Life Insurance Company with Mass Mutual as the manager of the assets in the County employees' 401A and 457 Retirement Plans. He said in order to implement that change, the Board would need to issue a letter to The Hartford terminating both of the contracts and this would require written notice sixty days in advance. He said he had drafted a letter for the Board's consideration that would (1) terminate the 401A and 457 administrator services agreements with The Hartford, effective June 30, 2009; and (2) requests The Hartford to cooperate with Mass Mutual by providing all information in their possession and all of the reports that they generate. He asked for the Board's consideration to terminate the contract and authorize the Chairman to execute the letter terminating said contracts. He said the second item for the Board's consideration was to execute the contracts and other required documents with Mass Mutual. He remarked that he had been informed that there will be numerous agreements coming to the Board for approval. He asked for the Board's consideration to delegate the authority to sign those contracts to the Chairman after review by the County Administrator and himself as County Attorney.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE LETTER TO THE HARTFORD LIFE INSURANCE COMPANY TO TERMINATE THE CURRENT PLAN. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL FORTHCOMING CONTRACTS AND DOCUMENTS TO EFFECTUATE THE CHANGE OVER TO MASS MUTUAL TO ADMINISTER THE COUNTY'S 401A AND THE 457 PLAN. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

STAFF REPORTS:

Director of Community Development Pete Frisina - Neighborhood Stabilization Program Grant: Director of Community Development Pete Frisina updated the Board on the Neighborhood Stabilization Program Grant. He remarked that the Department of Community Affairs was asking for more detail on the Plan and had placed special conditions on the County's application that must be answered within forty-five days.

COMMISSIONER HORGAN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE DOCUMENTS RECEIVED FROM THE DEPARTMENT OF COMMUNITY AFFAIRS REGARDING THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

Water System Director Tony Parrott - water bill inserts: Water System Director Tony Parrott reported to the Board that a notice of new bill payment services provided by Paymentus, which will allow for electronic bill payment by credit card, electronic check or debit card, would be included in customers' water bills beginning next Monday.

Public Works Director Phil Mallon - S.R. 314: Public Works Director Phil Mallon remarked that the resurfacing work on S.R. 314 was going to begin per the Georgia Department of Transportation but a specific date was not given.

Fire Marshal David Scarbrough - possibility of additional Zip Code Changes: Chairman Smith remarked that at the last Board meeting, Commissioner Maxwell had requested additional information regarding zip code areas that result in Fayette County citizens having mail delivery by post offices not located in Fayette County. He said Mr. Scarbrough had information to present to the Board regarding a couple of areas in Fayette County who were still affected by differing zip codes although physically located in Fayette County.

Fire Marshal David Scarbrough discussed the areas in Fayette County where mail is delivered by Senoia and Jonesboro Post Offices. After a brief discussion, Chairman Smith suggested more research be could be done but felt the Board would not want to proceed with any zip code changes unless there was a request by the citizens in those areas.

BOARD REPORTS:

Chairman Smith - West Fayetteville Bypass: Chairman Smith commented that there had been many discussions on the West Fayetteville Bypass but none on the design of the road to make sure that in the future a parkway and rural Fayette County feel was maintained along the roadway. He asked for consideration (1) to allow staff to work on reducing right-of-way acquisition from 120 ft. to 100 ft. which would save the County approximately \$400,000 to \$500,000; and (2) to direct staff to start on an overlay zone for the West Fayetteville Bypass which would include access control as well as buffers and setbacks.

THE BOARD WAS IN AGREEMENT WITH CHAIRMAN SMITH'S REQUEST.

EXECUTIVE SESSION:

NONE.

ADJOURNMENT: COMMISSIONER HEARN MADE A MOTION TO ADJOURN THE MEETING AT 5:33 P.M. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

Karen Morley, Chief Deputy Clerk